

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES COUPE, III,

Plaintiff,

vs

PRUDENTIAL FINANCIAL f/k/a Prudential
Insurance Company of America, and/or its
successors or assigns,

Defendant.

U. S. DISTRICT COURT

N. D. OF N. Y.

FILED

MAY - 4 2005

AT _____ O'CLOCK _____ M
LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

WILLARD R. PRATT, III, ESQ.

Attorney for Plaintiff

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Vernon, New York 13476

WILSON, ELSER, MOSKOWITZ,

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Attorneys for Defendant

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FRED N. KNOPF, ESQ.

DAVID N. HURD

United States District Judge

5:04-CV-196
DNH/GHL
OF COUNSEL:

ORDER

Defendant has moved for judgment on the pleadings pursuant to Fed. R. Civ. P.

(2)(c). Plaintiff opposes, but fails to cite even one case. The motion was taken on submit.

Plaintiff's causes of action are preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.* ("ERISA"), and the plaintiff has failed to plead a viable ERISA claim.


Therefore, it is

ORDERED, that

1. Defendant's motion is GRANTED; and
2. The complaint is DISMISSED.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Court

Dated: May 3, 2005
Utica, New York.